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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,253	12/21/2001	Thomas N. Turba	RA5407 (33012/325/101)	2115
27516	7590	07/01/2005	EXAMINER	
UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,253

Applicant(s)

TURBA ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Remarks

1. The Amendment filed on April 14, 2005 has been received and entered. Claims 1-25 are pending.

### *Double Patenting*

2. 35 U.S.C. § 101 reads as follows:  
  
"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".
3. Claims 1-25 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-20 of copending application Serial No. 10/027,066 and that of claims 1-25 of copending application Serial No. 10/028,256. This is a *provisional* double patenting rejection since the conflicting claims have not in fact been patented.

The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly

owned with this application. See 37 C.F.R. § 1.78(d).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-25 are rejected under 35 U.S.C. 102 (e) as being anticipated over Chau et al. (U.S. Patent No. 6,721,727).

As to claim 1, Chau et al. discloses in a data processing system including a legacy data base management system having a command language coupled to a publicly accessible digital data communication network, the improvement comprising:

- a. a user terminal coupled to said legacy data base management system via said publicly accessible digital data communication network (i.e. the XML system supports legacy flat files)(col. 8, lines 15-21) and (col. 44, lines 40-45);
- b. a service request generated by said user terminal transferred to said legacy data base management system for honoring (col. 6, lines 1-55); and
- c. a facility located with said user terminal (Fig. 10, seep 1006) which inserts a call to native script into said service request (i.e. internet or intranet)(col. 5, lines 50-52).

As to claim 2, Chau et al. discloses wherein said native script further comprises said command language (Abstract).

As to claims 3, and 25, Chau et al. discloses wherein said service request further comprises an XML message (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claims 4, 8, and 13, Chau et al. discloses comprising storing said native script in a repository located within said legacy data base management system (col. 4, lines 25-31 and Fig. 4, item 404) and (col. 16, lines 4554 and Fig. 2, items 200, 202, 206 and 210 and Fig. 10, item 10).

As to claims 5, 10, 15, and 19, Chau et al. discloses wherein said publicly accessible digital data communication network further comprises the Internet (i.e. Internet or intranet)(col. 5, lines 50-52).

As to claim 6, Chau et al. discloses an apparatus comprising:

a. a publicly accessible digital data communication network (i.e. Internet or intranet)(col. 5, lines 50-52);

b. a database management system having an internal format different from XML (i.e. an XML column is used to store entire XML documents in the native XML format.)(col. 7, lines 66-67) responsively coupled to said publicly accessible digital data communication network (i.e. Internet or intranet)(col. 5, lines 50-52);

c. an XML message transferred to said data base management system via said publicly accessible digital data communication network (i.e. Internet or intranet)(col. 5, lines 50-52);

d. a converter which translates said XML message into said internal format (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the Xpath data model)(col. 3, lines 15-21); and

e. a module which embeds native script into a service responding to said XML message translated into said internal format (col. 7, lines 66-67) and (col. 8, lines 1-5).

As to claims 7, and 14, Chau et al. discloses wherein said native script further comprises said internal format (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21) and (i.e. a document object model tree is generated using a document access definition. The document object model tree is traversed to obtain information to retrieve relational data. The relational data is mapped to one or more XML documents.) (col. 3, lines 16-21).

As to claim 9, Chau et al. discloses comprising a response produced by said legacy data base management system (col. 44, lines 40-44 and col. 8, lines 27-34).

As to claim 11, Chau et al. discloses a method of supplying an input to a legacy data base management system having an internal format comprising:

a. transferring an XML document having a call to native script to said legacy data base management system (col. 4, lines 15-24 and Fig. 1) via a publicly accessible digital data communication network (i.e. internet or intranet)(col. 5, lines 50-52);

b. converting said XML document into said internal format (col. 76, lines 51-67) (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model )(col. 3, lines 15-21);

c. embedding said native script corresponding to said call into a service responding to said converted XML document col. 8, lines 15-46) (col. 44, lines 40-44); and

d. presenting said converted XML document to said legacy data base management system (col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 12, Chau et al. discloses wherein said converting step includes use of a Document Type Definition corresponding to said XML document (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claim 16, Chau et al. discloses an apparatus comprising:

a. transmitting means for transmitting an XML document (col. 4, lines 15-24 and Fig. 1) via a publicly accessible digital data communication network (i.e. internet or intranet)(col. 5, lines 50-52);

b. providing means responsively coupled to said transmitting means for providing legacy data base management having an internal format (col. 75, lines 30-50) and (col. 4, lines 15-24 and Fig. 1);

c. converting means responsively coupled to said providing means for converting said XML document into said internal format (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model )(col. 3, lines 15-21); and

d. embedding means responsively coupled to the component builder for embedding a call to native script into a service for said legacy data base management system col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 17, Chau et al. discloses wherein said providing means further comprises a repository means (col. 4, lines 25-31 and Fig. 4, item 404).

As to claim 18, Chau et al. discloses further comprising defining means for defining a format of said native service col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 20, Chau et al. discloses wherein said storing means stores said defining means for future use ((i.e. The XML data is mapped from the application DTD to the relational



tables and columns using the document access definition based on the XPath data model)(col. 3, lines 15-21).

As to claim 21, Chau et al. discloses an apparatus for communicating within a data processing environment comprising:

a. a user terminal whereby a user can make a data processing service request by transferring an XML message and receive a corresponding data processing response (col. 7, lines 27-42) (col. 4, lines 15-24 and Fig. 1) and (col. 44, lines 40-45);

b. a converter which converts said XML message into said data processing service request in a native command language (i.e. The XML data is mapped from the application DTD to the relational tables and columns using the document access definition based on the XPath data model )(col. 3, lines 15-21); and

c. a legacy database management system responsively coupled to said user terminal which executes said native command language wherein said service request is honored by execution of an ordered sequence of statements of said native command language (col. 8, lines 15-46) (col. 44, lines 40-44).

As to claim 22, Chau et al. discloses wherein said legacy database management system further comprises a mainframe computer (col. 111, lines 28-34).

As to claim 23, Chau et al. discloses wherein said user terminal further comprises an industry standard personal computer (Figure 1).

As to claim 24, Chau et al. discloses wherein said legacy database management system further comprises a repository for storage of said ordered sequence of statements of said native command language prior to execution (col. 4, lines 25-31 and Fig. 4, item 404) and (Abstract).

### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Neveen Abel-Jalil  
June 22, 2005

  
**CHARLES RONES**  
**PRIMARY EXAMINER**